IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 26052 of 2003

Between:

Mr.P.Nagarjuna, S/o Prakasam
Instructor in Computer Edn., I.A.S.E.,

S.V.University, Tirupathi, R/o Tirupathi,

Chittoor District. **..... PETITIONER**

AND

1 The Union of India, Ministry of Human Resource Development

(M.H.R.D.), rep., by its Secretary,
Department of Elementary Education and Literacy,

Sastry Bhavan, New Delhi-110 001.
2 The Secretary to Government, School Education Department,

Govt., of A.P., Secretariat, Hyderabad.
3 Sri Venkateswara University, Tirupati, Chittoor District

rep., by its Registrar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of writ of mandamus, declaring the action of the 3rd respondent in giving artificial breaks in the service of the petitioner, with holding his salary to which he is entitled in terms of the advertisement dated 28-05-2003 and threatening the petitioner to discontinue him from service as arbitrary, discriminatory and consequently direct the 3rd respondent to pay to the petitioner the difference of salary

equivalent to the minimum pay of a regular employee in the cadre of Instructor in Computer Education in terms of the Advertisement dated 28-05-1998 and continue him without giving breaks in his service in terms of the letter No.4976/Trg.2/2003-I dated 23-10-2003 of the Second Respondent and with all other consequential benefits monetary and otherwise.

Counsel for the Petitioner: MR.V.JAGAPATHI

Counsel for the Respondent No.1: MR.A.RAJASHEKAR REDDY (ASST.SOLICITOR GEN.)

Counsel for the Respondent No.2: G.P.for School Education

Counsel for the Respondent No.3: Mr.P.Sree Ramulu Naidu

The Court made the following :

ORDER:

Heard the learned Counsel for the petitioner and also the learned Counsel for the respondents.

It is submitted by both the Counsel, across the Bar, that the relief sought and the question involved in this writ petition is squarely covered by a judgment of this Court in W.P.No.27206 of 2003 dated 9-12-2004, which has been upheld by a Division Bench of this Court in W.A.No.126 of 2005 dated 7-2-2005.

The learned Counsel appearing on behalf of the petitioner sought to refer to the proceedings initiated against the petitioner in respect of continuous suspension and also non-payment of suspension allowance, etc.

However, it is now represented by the learned Counsel on either side that in respect of the suspension order, a separate writ petition has already been filed, and the same is pending before this Court and hence, there is no need to adjudge the merits of the suspension order.

Having regard to the submissions made on either side and having perused the material available on record, it is to be seen that the question involved in this writ petition is squarely covered by the aforesaid decision.

In view of the same, the writ petition is disposed of directing the respondents to consider the case of the petitioner for re-engagement, in case, the scheme of IASE is being continued till the end of 'X' plan period by the Central Government, if the funds are made available to the University. No costs.

05-04-2005

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Copy to

1 The Secretary,

Union of India, Ministry of Human Resource Development

(M.H.R.D.), Department of Elementary Education and Literacy,

Sastry Bhavan, New Delhi-110 001.

2 The Secretary to Government, School Education Department,

Govt., of A.P., Secretariat, Hyderabad.

3 The Registrar,

Sri Venkateswara University, Tirupati, Chittoor District

4 Two CCS to the Asst. Solicitor General,

High Court Buildings, High Court of A.P.,

Hyderabad. (O.U.T.)

5 2 CCs to the G.P. for School Education,

High Court Buildings, High Court of A.P.,

Hyderabad. (O.U.T.)

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